THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.14817 of 2001

DATED:12.07.2006

Between:

Gayapu Sammakka

..Petitioner

And

The Government of Andhra Pradesh represented by its Principal Secretary, Revenue Department, Secretariat, Hyderabad. and another

..Respondents

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.14817 of 2001

ORDER:

The petitioner holds land in survey No.114 of Hanamkonda Revenue Village, Warangal District. As required under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (for short "the Act"), she submitted a declaration. An order under Section 8(4) of the Act was passed holding that she is required to surrender an extent of 2047 square metres, which was found in excess of ceiling limits. Thereafter, further orders under Sections 9, 10(3) etc., were also passed. A notification under Section 10(5) was issued in April, 1993. The petitioner was required to surrender the excess land. It was also observed that if she does not comply with the same, possession would be taken by having recourse to the procedure under Section 10(6) of the Act. It is stated that the petitioner came to know about the notice under Section 10(5) of the Act, which is before filing of the Writ Petition.

The petitioner pleads that her land is in the peripheral area of Warangal urban agglomeration and that she is entitled to the benefit under G.O.Ms.No.733, dated 31.10.1988. Her grievance is that the respondents are trying to deny her the benefit under the said G.O., in view of the amendment made to it, through G.O.Ms.No.217, dated 18.04.2000. She seeks appropriate directions from this Court.

Heard the learned counsel for the petitioner and the learned Government Pleader for Assignment.

It is not in dispute that G.O.Ms.No.733, dated 31.10.1988, enables the owner of excess land to retain it to an extent of Acs.5.00, if it is in peripheral area of an urban agglomeration. This G.O., was amended through G.O.Ms.No.217, dated 18.04.2000, to the effect that in case, the possession of the land was taken under

Sub-Sections (5) and (6) of Section 10 of the Act, the facility of exemption cannot be availed.

In the instant case, the proceedings against the petitioner are only at the stage of the notification under Section 10(5) of the Act. The record does not disclose that the possession of land was taken from the petitioner. The amendment caused to G.O.Ms.No.733, dated 31.10.1988, would apply to the case of the petitioner, if only the possession was taken from her.

Therefore, the Writ Petition is disposed of, directing that the petitioner shall be extended the benefit under G.O.Ms.No.733, dated 31.10.1988, subject to verification as to the location of the land in the peripheral area. There shall be no order as to costs.

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L. NARASIMHA REDDY, J

12th July 2006.

GJ